Appl. No. 09/820,966
Amdt. dated August 26, 2009
Reply to Office Action of January 9, 2009

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REMARKS/ARGUMENTS

Claims 1, 3-10, 17-79 and 84-85 were pending in the present application when last examined and were rejected. No claims are amended, added, withdrawn or cancelled, and no new matter has been added. Therefore, upon entry of this amendment, which is respectfully requested, claims 1, 3-10, 17-79 and 84-85 will be pending.

Objection to Specification

On page 2 of the present Action, the Examiner objects to the specification for not defining the phrase, "machine-readable medium." The Applicant agrees with the Examiner to the extent that the context of the medium as used in the claim "would fairly suggest to one of ordinary skill only appropriate manufactures …" (Office Action, page 2). Applicant submits that those of ordinary skill in the art would understand this term to refer to such appropriate manufactures, without further definition in the specification, and therefore requests that this objection be withdrawn.

Status Information

In items 1-2 (page 2) of the present Office Action, the Examiner first acknowledges entry of Applicant's RCE submitted on 10/15/08 (item 2). The Examiner further acknowledges in item 2 that, in accordance with the prior (10/15/08) amendment: claims 84-85 are added, claims 2 and 11-16 are canceled and claims 80-83 are withdrawn. Therefore, <u>claims 1, 3-10, 17-70 and 84-85 are pending</u>. Applicants appreciate the Examiner's acknowledgements.

New Grounds For Rejections

In item 3 (page 2) of the present Office Action, the Examiner asserts that Applicant's prior (10/15/08) arguments, while fully considered, are Moot in view of New Grounds for rejections.

Applicants appreciate such consideration and that the Examiner ADMITS, excepting the specific exceptions herein, that the rejection and remaining Examiner assertions thereof are overcome in accordance with at least those Applicants' arguments that are not specifically noted herein as being non-persuasive.

Applicants, however, respectfully OBJECT to the Examiner's contradiction in asserting that Applicants' arguments are both "moot" (in view of New Grounds of rejection) and also "not persuasive" (see below), and further OBJECT to the Examiner's failure to set forth a specific basis/explanation according to which the new grounds are necessitated (other than Applicants having overcome the rejection).

Applicants respectfully submit that the contradiction is both facially improper and improper for failing to provide sufficient information for Applicants to formulate an appropriate reply. See, for example, MPEP 707.07 through MPEP 707.07(g).

Specification Objections

On page 2 of the present Office Action, the Examiner objects to the specification because of the informality that paragraph 0001 is "missing provisional application numbers". Applicants are amending herein paragraph 0001 of the instant Specification to add the missing Provisional Application Serial Number. Withdrawal of the objection is therefore respectfully requested.

Examiner's Response to Arguments ("RA")

Beginning on page 2 (Response to Arguments or "RA" item 1) of the present Office Action, the Examiner acknowledges that the "previous Specification Objection (issued on 04/16/2008)… with respect to 'machine-readable medium' " is withdrawn. Applicants appreciate the Examiner's acknowledgement.

On page 3 (RA item 2) of the present Office Action, the Examiner asserts simply that "the Claim Rejections under 35 USC § 112 (issued on 04/16/2008) are not persuasive" and that "the claim rejections under 35 USC § 112 are retained". Applicants respectfully disagree, OBJECT to the Examiner's clearly improper examination, and traverse.

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Applicants respectfully OBJECT that the Examiner did NOT provide a proper examination under even the guidelines of the MPEP, let alone of the Law. MPEP 707.07, for example, provides that

> "*an examiner must provide <u>clear explanations</u> of all actions taken by the examiner during prosecution of an application*",

and that,

> "*Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, <u>take note</u> of the applicant's argument and <u>answer the substance of it</u>*". Id.

The Examiner's bare assertion that "*[T]he Claim Rejections under 35 USC § 112 (issued on 04/16/2008) are not persuasive*" and therefore "*the claim rejections under 35 USC § 112 are retained*" clearly provide NO explanation and NO substantive answer whatsoever. The Examiner has not even enumerated the particular claims in question, which is also clearly improper, and Applicants respectfully OBJECT and request withdrawal on at least this basis as well.

Additionally, Examiner note 7.37 provides that even a form response must meet at least minimal requirements such as those given above.

> [7.37 "*2. In bracket 2, provide <u>explanation</u> as to non-persuasiveness*"]

The Examiner has clearly failed to meet such requirements for at least the above reasons and a petition against such actions might well be granted. Applicants therefore respectfully OBJECT.

MPEP 707.07(g) further provides that

> "*Where a major technical rejection is <u>proper</u>*" ("*such as lack of a proper disclosure*") "*it should be stated with a <u>full development</u> of*

> reasons _rather than_ by a _mere conclusion_ coupled with some
> stereotyped expression".

Under this provision as well, the Examiner's statement –which includes NO reasons, let alone ANY of the required "development"- is clearly NOT at all _proper_. Moreover, the Examiner has failed to indicate even the location of the referenced Applicants' argument and has failed to show ANY consideration at all of the substance of Applicants' argument. See, for example, MPEP 707.07. Applicants therefore respectfully submit that the rejection is clearly NOT sufficient to sustain ANY finding that supports the denial of a U.S. patent for at least the foregoing reasons. Applicants respectfully OBJECT and request withdrawal of the rejection for at least these reasons as well.

Applicants further respectfully OBJECT that the rejection is clearly NOT properly sustainable under 35 USC 112 and request withdrawal for at least this reason as well. In order to satisfy the written description requirement, a patent specification must merely "_describe the claimed invention in sufficient detail that one skilled in the art can **reasonably** conclude that the inventor **had possession** of the claimed invention_. See, e.g., _Moba, B.V. v. Diamond Automation, Inc._, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); _Vas-Cath, Inc. v. Mahurkar_, 935 F.2d at 1563, 19 USPQ2d at 1116 and even "_original claims constitute their own description_"; accord _In re Gardner_, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord _In re Wertheim_, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). Moreover, the standards to be applied to the written description requirement are not nearly so extensive as the Examiner apparently asserts (As discussed, the term "apparently" is intended because the Examiner has provided NO insight according to which Applicants might determine either the standards used or the manner in which the standards were applied by the Examiner.) For example,

> "_An applicant may also show that an invention is complete by disclosure of sufficiently detailed, relevant identifying characteristics which provide evidence that applicant was in possession of the claimed invention, i.e., complete or partial structure, other physical and/or chemical properties, functional characteristics when coupled with a known or disclosed correlation between function and_

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structure, or some combination of such characteristics. *Enzo Biochem*, 323 F.3d at 964, 63 USPQ2d at 1613. For example, the *presence of a restriction enzyme map* of a gene may be *relevant to a statement that the gene has been isolated* (*Enzo Biochem*, 323 F.3d at 964, 63 USPQ2d at 1613).

Moreover,

"*What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail*" (See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94).

Further,

"*If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met*". See, for example, *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116;

Thus, as argued in Applicants' prior response, even assuming arguendo that the Examiner had correctly examined the instant Application and indeed claim 1 (and the remaining rejected claims) might require routing scripts to be "selected", Applicants submit that the Examiner could have easily recognized that the instant written description was more than sufficient according to such standards. Moreover, the support submitted by Applicants in the prior Response, which is hereby re-submitted:

["*The routing path for a message may include "all intermediary services that are scheduled to operate on the message en route to recipient service(s)" (para. 66). The routing path may also include a logical routing path (para. 88-97) that may be determined based on evaluating "routing instructions specified explicitly in the message*

> header and/or *implicitly* on routing scripts" that are *"pre-defined* by
> the *sending service* 310, *recipient service* 360 or *any in transit services*
> that *have been included"* in the routing path (para. 66). Moreover,
> routing scripts for "in-transit services" may cause processing by still
> other services that need not be directly coupled to the network, and that
> may also provide routing scripts. The routing path may thus be
> determined based upon routing scripts specified by all services that
> may interact with a particular message (para. 68)."]

(1) more than sufficiently shows disclosed or known structural and functional characteristics and properties, such that "selection" would be sufficiently supported to demonstrate that Applicant was in possession of the claimed invention to ANY skilled artisan, e.g., under *Enzo Biochem* [id]; (2) see also, e.g., para. 11, 27-33, (3) a skilled artisan might instead utilize various selection/interfacing techniques (otherwise used for other purposes that do NOT anticipate or render obvious those of the instant application) that are sufficiently adaptable to the claimed invention according to the disclosure, and (4) such sufficiency is present even if some nuance of the asserted "selection" might not be explicitly described. See, for example, *Vas-Cath* [id]. See also, for example, originally filed claim 32 (below) as well as the remaining original claims, the drawings and the remainder of the instant specification as filed:

> "32. A message routing system, comprising: a message routing network
> that enables message routing between a sending service and one or
> more recipient services, said message routing network further enabling
> inclusion of a plurality of in-transit services into said message routing
> network, wherein an in-transit service *can be selectively included* in a
> routing for a message based upon an identifiable type of processing
> that said in-transit service can perform on said message."

Thus, a skilled artisan would –without ANY doubt whatsoever– conclude that Applicants were *clearly* "in possession" of the claimed invention. Moreover, the Examiner has NOT at all

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addressed the substance of Applicants' prior Argument. Therefore, Applicants respectfully

OBJECT to the rejection of the instant claims and request withdrawal of the rejection for at least

the foregoing reasons as well.

      Applicants are further confused and OBJECT to the Examiner's failure to even

consider that the asserted "selected" might form a part of a grouping term that is in common use

in patent practice (See, for example, Ex parte Markush, 1925 C.D. 126 (Comm'r Pat. **1925**) and

as such would NOT require particular support for the recited "selecting" (which, as discussed, is

ALSO CLEARLY supported by the instant disclosure as filed). See, for example, MPEP 803.02

and related MPEP sections. Applicants therefore respectfully OBJECT to the examination and

request withdrawal of the rejection for at least this reason as well.

      On page 3 (RA item 3) of the present Office Action, the Examiner asserts simply

that "applicant's arguments to claim 32 with respect to Owen does not disclose figure [sic] of '*a*

message interchange network built on an open platform' are not persuasive" because U.S.

2002/0019797 to Stewart et al. at 0024, 0060, 0084 "*discloses an open collaborative commerce*

platform for dynamic business-to-business collaborations… therefrom messages are

communicated between trading partners". Applicants respectfully OBJECT to the Examiner's

clearly improper examination and traverse.

      Applicants OBJECT that the Examiner did NOT provide a proper examination

under even the *guidelines* of the MPEP, let alone of the law/applicable rules (i.e., 35 USC and 37

CFR). MPEP 707.07, for example, provides that "Where a claim is refused for any reason

relating to the merits thereof… the ground of rejection [must be] <u>fully and clearly stated</u>"

(707.07(d). More specifically, "an examiner *must* provide <u>clear explanations</u> of <u>all</u> actions taken

by the examiner during prosecution of an application" and where "the requirements are

traversed, or suspension thereof requested, the examiner should <u>make proper reference</u> thereto in

his or her action on the amendment". MPEP 707.07(f). Even where the examiner determines

that the previous rejection should be withdrawn, "the examiner <u>must</u> provide in the next Office

communication the reasons" as well as "<u>referring specifically to the page(s) and line(s) of</u>

<u>applicant's remarks</u> which form the basis for withdrawing the rejection". Id. MPEP 706.07(j)

further provides that "*It is important for an examiner to properly communicate the basis for a*

rejection so that the issues can be identified early and the <u>applicant can be given fair opportunity</u>

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to reply". The Examiner must also "*indicat[e] that the rejection is under 35 U.S.C. 103*", "*(A)* the *relevant teachings* of the prior art relied upon", "*(B) the difference or differences* in the claim over the applied reference(s)*", "the *proposed modification* of the applied reference(s)…" and "*(D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in the art at the time the invention was made*".

Applicants respectfully OBJECT, e.g., as above, that the Examiner failed to even indicate where in Applicants' Remarks the subject argument was made, let alone the grounds for the rejection or even whether a rejection/assertion is made or the purpose for doing so, thereby providing insufficient information with which Applicants might properly reply. (For example, the Examiner must ***show*** that the claimed invention, *considered as a whole*, would have been obvious at the time of the invention. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) and even merely showing that the limitations of the invention were *individually* known is ***NOT* sufficient**, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)., such that sustaining a partial assertion regarding the cited claim is improper in conjunction with a 35 USC 103 rejection or for any other purpose.

While the Examiner also failed to assert, for example, why the claimed invention would have been obvious" (including according to the combination of references") and while Applicants would otherwise object on this basis as well, Applicants submit that the Examiner thereby at least implicitly ADMITS that combining the references is NOT supportable at least by way of the Examiner's withdrawal of the corresponding rejection (and for which the Examiner otherwise provides NO specific reason); for at least the same reasons, the Examiner also ADMITS that the cited references do NOT render obvious any further elements of the cited claim, such that the Examiner admits a lack of *prima facie* obviousness. Applicants therefore OBJECT and further respectfully request withdrawal of the rejection (and/or implications?) for at least the foregoing reasons.

Applicants further respectfully submit that the rejection or implications thereof of the Examiner's reply is/are improper under 35 USC 102 and 103. Under 35 USC 103, for example, the Examiner has the initial burden of establishing a basis for denying patentability. See *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *In re Linter*, 458 F.2d 1013,

173 USPQ 560 (CCPA 1972); *In re Saunders*, 444 F.2d 599, 170 USPQ 213 (CCPA 1971); *In re Tiffin*, 443 F.2d 394, 170 USPQ 88 (CCPA 1971), *amended*, 448 F.2d 791, 171 USPQ 294 (CCPA 1971); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968). MPEP 2142. This includes at least giving the pending claims their "broadest reasonable interpretation <u>consistent with the specification</u>…". *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004), and "<u>showing</u> that the claimed invention, *considered <u>as a whole</u>*, would have been obvious at the time of the invention. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). The Examiner has not even *asserted* that either requirement is met and Applicants submit that they are NOT. Further, because the Examiner ADMITS that the remaining claim 32 limitations are NOT rendered obvious (e.g., see above) and does NOT assert that they are, the Examiner also clearly ADMITS that neither the claimed invention nor the asserted limitation (where the limitation is considered in accordance with the whole of claim 32) would have been rendered obvious at the time of the invention. Applicants further respectfully re-submit their prior response to the Examiner for more proper consideration.

       Applicants therefore respectfully OBJECT and request withdrawal of the rejection (and/or asserted implication?) for at least the foregoing reasons.

       On page 3 (RA item 4) of the present Office Action, the Examiner asserts simply that "Regarding applicant's arguments to claim 32 with respect to Johnson does not teach feature [sic] of "<u>*path determining being based on an evaluation of two or more routing scripts selected from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation*</u> are not persuasive; Johnson" 1/4, 63-67, 2/26-47, 3/45-52, 5/1-27 "discloses a communication system therefrom each system user/ or caller is authorized to access an administration workstation to define <u>routing **script**</u> [sic] for a call service. The routing engine then determines an appropriate destination for the call service based upon evaluating the user-generated routing <u>**scripts**</u>". Applicants respectfully OBJECT and traverse.

       Applicants first respectfully OBJECT and submit that the rejection is improper for at least the same reasons as with the above RA items. For example, the Examiner does

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NOT even cite the referenced portion of Applicants' Remarks, the applicable section of 35
USC/37 CFR (or even note corresponding MPEP guidelines) to which the rejection/assertion
pertains, its application or purpose, any basis according to which the reference might itself be
applied or combined with other references or any other information to which Applicants might
appropriately reply. (See, for example, MPEP 706.07 et seq.

      Applicants further OBJECT and submit that the Examiner again merely repeats
the prior rejection and fails entirely to "*take note of Applicant's argument and answer the
substance of it*". MPEP 706.07. Rather, there is NO explanation, NO substantive answer and
NO indication whatsoever that the Examiner has even considered Applicants Remarks, let
alone has some proper basis as to why they are assertedly "not persuasive". (Examiner note
7.37, for example, requires that even a form response must meet the above requirements:
7.37 "*2. In bracket 2, provide explanation as to non-persuasiveness*".) Applicants
therefore respectfully submit that the rejection (and/or assertion?) is clearly NOT
sufficient to sustain ANY finding according to which a U.S. patent might be denied or an
Examiner assertion might be sustained.

      Applicants further submit that the cited Johnson references
– considered separately or together –clearly do NOT even consider, let alone teach "*path
determining being based on an evaluation of two or more routing scripts selected from the group
consisting of: a routing script defined by a sending service, a routing script defined by a recipient
service, and one or more routing scripts defined by one or more in-transit services, such that
each service is capable of independently affecting said determining of said route path during a
logical routing of said message represented by said evaluation*", and it is unclear to Applicants
why the Examiner would make such a clearly erroneous assertion. Applicants respectfully
OBJECT and request the assistance of the primary Examiner as to this objection as well.

      The cited Johnson Abstract, for example, merely recites that "a call
routing script is generated", that "[t]he script includes at least one call routing
instruction… that refers to a variable whose value is stored externally to the script" and
that the value is determined "when the system executes the script…". Applicants
respectfully submit that NOWHERE does the Johnson Abstract even mention or consider
– in ANY words, inferentially or either colloquially or in accordance with the instant
specification - at least "a service", a "sending service", a "recipient service", or one or

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more "in-transit <u>services</u>". NOWHERE does the Johnson Abstract even consider at least "such that <u>each service</u> is capable of <u>independently affecting</u> said determining of said route path, and NOWHERE does the Johnson Abstract even consider at least "<u>logical</u> routing". It merely discloses a "call routing script…" without enabling or defining it, and Applicants OBJECT to the clearly irrelevant citation, and further, that the Examiner asserts that Johnson "teaches" such aspects of the recited embodiment according to such insubstantial basis.

   The Examiner's reference to Johnson 1/4 is even more clearly improper in that it is a BLANK LINE. Thus, the reference can NOT anticipate, render obvious or contribute toward anticipating/rendering obvious the cited claim portion, and is both misleading and irrelevant. Johnson 1/4 is preceded by Johnson title. However, the title merely recites "Call Routing Control Using Call Routing Scripts", which is also clearly devoid of the asserted instant claim 32 elements. The general reference to call routing scripts (i.e., the use of the plural form of the word "scripts") is clearly insufficient to constitute the asserted "teaching", and is irrelevant to the cited "path determining", e.g., as was already discussed. (Moreover, nowhere does Johnson even consider, let alone provide for utilizing multiple scripts or any other of the recited features.)

   Cited Johnson 1/63-67 further merely discloses that "*In conventional call processing systems, calls may be routed in accordance with call routing control scripts executed by the system*", which "*scripts may comprise call routing instructions that when executed by the system cause the system to route the call to a desired destination*". Applicants respectfully submit that this reference suffers similar deficiencies as with the Johnson Abstract and, even considered broadly on their face, clearly do NOT teach (or suggest), mention or even consider, let alone enable or render obvious, the specific limitations of the cited claim.

   Cited Johnson 2/26-47 further merely discloses "*controlling the routing of calls in a communications system*" in which "*a call routing script is generated*", the "*value of [a] variable is determined by the system when the system executes the script*" and "*a call is routed to a desired destination based upon the value of the variable…*" 2/23-33; the "*value may… specify a destination telephone number, trunk group, and/or DNIS number to which the call is to be*

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routed" 2/34-39 and a "*user-modifyable database*" may store "*variables that may be referenced by the call routing instructions*" 2/40-47.

Once again, Johnson does not even mention or consider – in ANY words, inferentially or either colloquially or in accordance with the instant specification - at least "a <u>service</u>", a "sending <u>service</u>", a "recipient <u>service</u>", or one or more "in-transit <u>services</u>". NOWHERE does Johnson even consider at least "*such that <u>each service</u> is capable of <u>independently affecting</u> said determining of said route path*", and NOWHERE does Johnson even consider at least "<u>*logical*</u> *routing*". Applicants OBJECT to the Examiner's bare and unsupported assertion that Johnson "teaches" such aspects of the recited embodiment; the Assistance of the Supervisory Examiner is therefore respectfully requested as is the withdrawal of the rejection (and/or assertion?) set forth by the Examiner.

Cited Johnson 3/45-52 further merely discloses that a "*primary central controller 30 generates <u>control signals</u> for controlling routing and distribution of calls through… long distance carriers to and from agent systems…*" (3/37-39) based upon information including "*requested… telephone numbers…, status messages… supplied by the agent systems, and user0generated call routing control scripts… stored in controller 30*" (3/46-52). Applicants therefore again respectfully OBJECT to the Examiner assertion that Johnson "teaches" the cited aspects of the recited embodiment for similar reasons, and the Assistance of the primary Examiner and withdrawal of the rejection or assertion set forth by the Examiner are therefore respectfully requested.

Finally, cited Johnson 5/1-27 merely discloses that "*routing engine 48 takes into consideration real-time service data supplied to it by the interface*" at 5/1-3, which "service data", the also cited Johnson 3/45-52 discloses as "<u>*telephone numbers*</u> *and other information… <u>supplied by [the] callers</u> through the public networks*" [that the callers are using to place the calls]. Johnson also discloses that "*Routine engine 48 uses this data to determine the manner in which to route calls in the system… the appropriate control signals [are generated]*" and "*routing engine 48 instructs [the] logging engine… to store… the [above] information… in the database*" [5/4-27]. Johnson 26-27 does also disclose that "*Scripts… may comprise corporate and/or customer-generated call routing scripts*". However, one would presume in this particular instance that Johnson's support of corporate calling includes calls originating from a customer *as*

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well as calls originating from corporate personnel (i.e., one or the other – as is stated in the cited reference).

Johnson CLEARLY does not even mention or consider at least "a <u>service</u>", a "sending <u>service</u>", a "recipient <u>service</u>", or one or more "in-transit <u>services</u>" according to the instant specification. NOWHERE does Johnson even consider at least "*such that <u>each service</u> is capable of <u>independently</u> affecting said determining of said route path*", and NOWHERE does Johnson even consider at least "<u>*logical*</u> *routing*". Once again, Applicants respectfully submit that there is no apparent question or mistake due to complexity upon which the Examiner might have mistakingly relied. Therefore, Applicants once again respectfully OBJECT to the Examiner assertion that Johnson actually "teaches" the cited aspects of the recited embodiment, the Assistance of the Supervisory Examiner is respectfully requested, and withdrawal of the rejection or assertion set forth by the Examiner is respectfully requested for at least the foregoing reasons.

Rejection under 35 USC § 112 first paragraph

On page 4 of the present Action, the Examiner rejects claims 1, 3-10,17-79, 84-85 under 35 USC § 112 first paragraph as failing comply with written description requirements. Applicants respectfully traverse.

The Examiner asserts, regarding claim 1, that

> "*subject matter (<u>e.g.</u> ...two or more routing scripts selected from the group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services)... was not described in the specification... in such a way as to convey... that the inventors... had possession of the claimed invention*",

> "<u>*At first*</u>, *the specification fails to support for claim feature of 'group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services*", and

> "*applicant admits that (e.g., 'routing scripts that are pre-defined by the*
> *the sending service, recipient service or any in transit service' and 'the*
> *routing path may thus be determined based upon routing scripts*
> *specified by all services that may interact with particular message*".

(Applicants appreciate that, unlike the above assertions, the Examiner now provides at least some reference to Applicants previous Response - specifically "Remark page 15, lines 12-16, 18-19") The Examiner also, in this instance, offers the asserted support that

> "*The specification fails to provide selection conditions and descriptive*
> *processes those would be applied on two or more routing scripts so that*
> *they can be selected from the group of routing scripts. Without*
> *disclosures the use of a routing scripts group which consists of: routing*
> *script defined by a sending service, routing script defined by recipient*
> *service, and one or more routing scripts defined by one or more in-*
> *transit services); and the uses of how to select two or more routing*
> *scripts from the group routing scripts; how would one of ordinary*
> *skill… determine claim feature of '"determining a route path for*
> *delivery of said message…*".

Applicants respectfully OBJECT, traverse and request assistance of the Supervisory Examiner. As discussed above, "*an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application*" (MPEP 707.07), and *where "a major technical rejection is proper" ("such as lack of a proper disclosure") "it should be stated with a full development of reasons rather than by a mere conclusion coupled with some stereotyped expression*". Applicants submit, however, and respectfully so, that the rejection is frought with such aggregious grammatical and construction errors as to be at least difficult to understand, let alone formulate an appropriate reply. Applicants are, for example, confused by the asserted Examiner construction "*subject matter (e.g. …two or more…)… was not described in the specification*", which suggests

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that some *other* portion of claim 1 was also assertedly not described. The remainder of the rejection does NOT, however, indicate such *other* portion; rather, the remainder of the rejection appears to contradict such assertion by instead asserting that the rejection is directed at asserted failure "to provide selection conditions and descriptive processes…". Applicants are therefore unable to determine whether the Examiner asserts other portion(s) as well, and are unable to respond respecting such other portion(s). Moreover, Applicants must presume that –contrary to the Examiner's implication- the rejection is in fact directed only at the asserted failure "to provide selection conditions and descriptive processes…". Applicants therefore respectfully object to the clearly improper ambiguity and request withdrawal of the rejection for at least this reason.

Applicants are also confused by and OBJECT to the assertion "<u>At first</u>, the specification fails to support for claim feature of 'group consisting of…". The meaning of "At first" is at least unclear and, given the remainder of the Examiner's assertion, it would appear that the rejection is instead directed at a selection condition that was also addressed above respecting claim 32 rather than a recited "group". It is also unclear, assuming arguendo that the "*group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services*" might stand rejected, whether the rejection might be directed at the term "*group*" the "*: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services*" or some combination thereof. Applicants respectfully object to the clearly improper ambiguity and request withdrawal of the rejection for at least this reason as well.

Applicants further submit that the rejection would be improper even <u>assuming arguendo</u> that the rejection was otherwise properly directed at a "*group consisting of: routing script defined by a sending service, routing script defined by recipient service, and one or more routing scripts defined by one or more in-transit services*". First, a patent specification must merely "*describe the claimed invention in <u>sufficient</u> detail that one <u>skilled in the art</u> can <u>**reasonably** conclude</u> that the <u>inventor had **possession**</u> of the claimed invention. See, e.g., Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); Vas-Cath, Inc. v. Mahurkar, 935 F.2d at 1563, 19 USPQ2d at 1116 and even "*original*

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claims constitute their own description"; accord *In re Gardner*, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

Applicants submit that even the originally filed claims would clearly be sufficient for one skilled in the art to <u>reasonably conclude</u> "that the inventor had <u>possession</u> of the recited "group…". Originally filed claim 16, for example, recites "*The message routing method of claim 12, wherein said determining is based on <u>routing scripts defined by</u> a <u>sending service</u>, a <u>recipient service</u>, and <u>at least one in-transit service</u>*"; originally filed claim 38 further recites "*The message routing system of claim 34, wherein said <u>routing is defined by</u> a <u>sending service</u>, a <u>recipient service</u>, and <u>at least one in-transit service</u>*" and originally filed claim 34 recites "*The message routing system of claim 32, wherein an in-transit service is included in said routing <u>based on a routing script</u>*". One skilled in the art would therefore *CLEARLY* <u>reasonably conclude</u> that that "the inventor had <u>possession</u>" of the claim 1 "group…" as one that may at least sufficiently correspond, for example, with the groups recited by at least claims 16 and 38. (See also, e.g., the originally filed Specification at paras. 0042, 0066, 0068 and 0122.) Moreover, because the correspondence of such original claims with claim 1 is readily apparent and because it is incumbant on the Examiner NOT to frivilously assert improper rejections, Applicants respectfully OBJECT to the rejection (if such a rejection is in fact asserted) and request withdrawal of such rejection for at least this reason as well. Assistance of the Supervisory Examiner is also respectfully requested.

Regarding the assertion that "The specification fails to provide *selection conditions* and *descriptive processes those would be applied* on two or more routing scripts *so that they can be selected from the [recited] group of routing scripts… Without disclosures the use [sic] of a routing scripts group… and the uses of how to select… how would one… determine claim feature*", Applicants first submit that 35 USC 112 merely requires "<u>*sufficient* detail that one <u>skilled in the art</u> can <u>reasonably</u> conclude that the inventor <u>had possession</u> of the claimed invention*. See, e.g., *Moba, B.V. v. Diamond Automation, Inc.*, [id]; Vas-Cath, Inc. v. Mahurkar, [id]. "*An applicant may… show that an invention is complete by disclosure of sufficiently detailed, relevant identifying characteristics which provide <u>evidence</u> that applicant <u>was in possession</u> of the claimed invention, i.e., <u>complete or partial structure</u>, <u>other physical and/or chemical properties</u>, <u>functional characteristics when coupled with a known or disclosed</u>*

correlation between function and structure, or some combination of such characteristics. *Enzo Biochem*, [id]. Moreover, the requirements of 35 USC 112 may be met *even if every nuance of the claims is not explicitly described in the specification.* See, e.g., Vas-Cath [id], and even "*original claims constitute their own description*"; accord *In re Gardner* [id]

Even assuming arguendo that claim 1 might require actual "selecting", as the Examiner asserts, the originally filed disclosure is replete with more than sufficient disclosure to not only reasonably indicate, but also to clearly <u>demonstrate</u> to ANY skilled artisan that the inventor had <u>possession</u> of the claimed invention. (While the unstated Examiner standards apparently exceed the minimal "reasonable" requirements under 35 USC 112 and are therefore improper, Applicants submit that the originally filed disclosure clearly exceeds these standards as well (in this respect), and the rejection –assuming arguendo that the asserted limitation is even applicable- would nevertheless be absolutely groundless. Assistance of the Supervisory Examiner is therefore respectfully requested.

Originally filed claim 32, for example, provides that "an in-transit service can be <u>selectively</u> included…". Originally filed claim 58-60 further recites "wherein a service is <u>selected from said directory</u> of services" "by a sending service" (58), "by a recipient service" (59) and "by an in-transit service" (60). Originally filed claim 64 recites "said plurality of services providing a <u>menu</u> of data operations that can be <u>selectively</u> applied to a message <u>traversing said message routing network</u>". See also originally filed claims 72-74. Applicants respectfully OBJECT that the Examiner failed to even consider such evidence. The originally filed specification also provides more than sufficient detail for reasonably demonstrating Applicants' <u>possession</u> of even the asserted "selecting". See, for example, at least Abstract ("a standardized interface… enables parties to easily connect to and use the network. Services operating as senders, recipients, and in-transit parties can therefore leverage a framework…"), paras. 0048 ("As a message flows through a selection of services…"), 0152 ("enterprise user… selects a service from the message interchange network directory"), 0071 ("In one embodiment, a routing script is embodied as a routing rule" that "includes… a condition and one or more resultant actions"), as well as 0077-0082, 0089, and so on. Regarding the asserted Applicant admission, assuming arguendo that the cited claim 1 portion might require selection (see below), then Applicant's remarks might indicate one potential implementation. The Examiner's

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assertion, however, unfortunately does NOT accurately reflect Applicant's remarks, no such admission is intended and claim 1 does NOT recite such limitations.

Applicants are further confused and OBJECT to the Examiner's failure to recognize or even consider that the asserted "selected" might form a part of a grouping term that is now in common use in patent practice (See, for example, Ex parte Markush, 1925 C.D. 126 (Comm'r Pat. <u>1925</u>) and as such would NOT require particular support for the recited "selecting" (which, as discussed, is ALSO CLEARLY supported by the instant disclosure as filed). See also MPEP 803.02 and related sections. Applicants therefore respectfully OBJECT to the examination and request withdrawal of the rejection for this reason as well.

Withdrawal of the rejection is of claim 1 therefore respectfully requested for at least each of the foregoing reasons.

Claims 3-10 and 17-79 also stand rejected "under rationale [sic] of claim 1", the Examiner offering no support whatsoever for such rejections. Applicants therefore respectfully submit that rejection of claims 3-10 and 17-79 is improper, object to such rejection and request withdrawal of the rejection of claims 3-10 and 17-79 for at least the same reasons as with claim 1.

The Examiner also rejects claims 84-85 "under rationale [sic] of claim 1", but directs the rejection instead to "*the independent processing being selected from a group including data transformation, content modifying, filtering and service utilization tracking*". Applicants respectfully disagree.

Applicants first respectfully submit that Applicants arguments and objections raised respecting the rejection of claim 1 are also generally applicable to and are submitted herewith in response to the rejection of claims 84-85. Moreover, unlike claim 1, the Examiner has in this instance cited sufficient evidence for overcoming the mere reasonable conclusion standard. That is, "*a <u>skilled artisan</u> **would** have <u>understood</u> the inventor to be in <u>possession</u> of the claimed invention at the time of filing, e<u>ven if every nuance of the claims is not explicitly described</u> in the specification" and "the adequate description requirement <u>is met</u>". See, e.g., Vas-Cath. Id.)* Applicants submit, for example, that the "<u>original claims constitute their own description</u>". See, for example, *In re Gardner*, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

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Of the originally filed claims, claim 29, for example, recites that "said delivering includes delivering said message to said in-transit service for <u>one of</u> a data transformation operation, an enrichment operation, a cross-reference ID mapping operation, a filtering operation, and a credit scoring operation", thereby clearly indicating – in the context of the instant specification and claims – that such services may be invoked for conducting the "one of" the various independent processing recited by rejected claims 84-85. Further support for selective, independent processing is also provided by at least originally filed claims 32 ("*wherein an in-transit service can be selectively included in a routing for a message based upon an identifiable type of processing that said in-transit service can perform on said message*") and 33 ("*wherein said in-transit service performs one of a data transformation operation, an enrichment operation, a cross-reference ID mapping operation, a filtering operation, and a credit scoring operation*"), among others. See, for example, originally filed claims 52-60, 63-64, 67-71 and 76. Applicants respectfully submit that such claims –without even needing to consider the further disclosure of the instant specification– CLEARLY meet the requirements set forth by 35 USC 112 under at least *Vas-Cath*, *In re Gardner* and *In re Wertheim*, leaving Applicants to question the Examiner's not-provided, apparently more strict standard, why applicable Law was not instead properly applied and why the Examiner failed to properly consider at least that the above originally filed claims are in fact clearly sufficient to overcome such rejection. Applicants therefore OBJECT.

While the originally filed claims are clearly sufficient to overcome such improper rejection and further support is therefore clearly NOT needed, Applicants nevertheless respectfully OBJECT that the Examiner also improperly failed to consider fully the instant specification and drawings, and further failed to apply the proper standard in this instance as well. According to the Examiner, the specification merely "mentions" at para. 1019 "the use of in-transit service conduct [sic] <u>independent processing</u> of message [sic], wherein the independent processing being <u>selected from a group including</u> <u>data transformation, content modifying, filtering and service utilization tracking</u>… [<u>using</u>] a message interchange network (150) that <u>enables</u> SMEs 110-m, webware ASPs 120-n, and in-transit processors (ITPs) 130-p to <u>connect</u> to one another…" and that "ITPs 130-p can be designed to perform… functions such as <u>data transformation, enrichment, cross-reference ID mapping, filtering, credit scoring</u>…". First,

Applicants respectfully submit that such disclosure –in the context of the present application- would be sufficient to overcome the rejection, and the Examiner's argument that "Without disclosures the uses of in-transit service conduct [sic] independent processing of message [sic]… how would one of ordinary skill in the art determine claim limitation" [sic] is not only unintelligible, but also not AT ALL descriptive of the standard applied or supportive of the Examiner's espoused basis for rejection.

Moreover, and with all due respect, the Examiner's contention that para. 1019 (which is an incorrect reference) is the only relevant disclosure is simply NOT TRUE at all. Applicants respectfully first re-submit the above Applicant arguments as being generally sufficient to overcome the rejection. Applicants further submit that at least originally filed FIG. 4, the Appendices and paras. 0119-0146 provide extensive details applicable to at least one implementation the rejected claim, including functional, flow, implentation and operational details that far exceed the 112 requirements that a _skilled_ artison would _reasonably_ conclude that Applicants were "in _possession_" of the claimed invention. With all due respect, the rejection is clearly and entirely groundless and improper, and Applicants OBJECT; Applicants further request the assistance of the Supervisory Examiner in taking appropriate action and instructing the Examiner as to the proper standards and application of such standards, and of presenting intelligible discussion/ analysis to which Applicants may respond.

Claim 85 further stands rejected "under rationales of claim 84" and Applicants submit at least the same arguments and objections respecting claim 85 as are submitted respecting claim 84.

Applicants therefore respectfully request withdrawal of the rejection of the above claims for at least the foregoing reasons.

Rejection of claims 1, 3-9, 17-25, 27-29, 31-34, 37-47, 49-55, 60-69, 74-79 and 84-85 under 35 USC §103(a) over Stewart ivo Johnson

On page 7 of the instant Action, the Examiner rejects claims 1, 3-9, 17-25, 27-29, 31-34, 37-47, 49-55, 60-69, 74-79 and 84-85 under 35 USC §103(a) as being un-patentable over

U.S. 2002/0019797 to Stewart et al. (hereinafter "Stewart") in view of U.S. 6,665,393 to Johnson et al. (hereinafter "Johnson"). Applicants respectfully traverse.

Applicants respectfully submit that the <u>initial burden</u> of establishing a basis for denying patentability <u>rests upon the **Examiner**</u> and <u>NOT Applicants</u>. See *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976); *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972); *In re Saunders*, 444 F.2d 599, 170 USPQ 213 (CCPA 1971); *In re Tiffin*, 443 F.2d 394, 170 USPQ 88 (CCPA 1971), *amended*, 448 F.2d 791, 171 USPQ 294 (CCPA 1971); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967), *cert. denied*, 389 U.S. 1057 (1968). MPEP 2142. Moreover, <u>limitations are imposed</u> on claim interpretation, examination and use of references, adherence to which is required for establishing *prima facie* obviousness under 35 USC. Applicants respectfully submit that the Examiner has *NOT* met such burden and has not adhered to such limitations, and the cited references do *NOT* render the recited claims obvious for at least the reasons set forth below.

Pending claims, for example, must be "given their broadest reasonable interpretation <u>consistent with the specification</u>" as it would be "<u>interpreted by one of *ordinary skill in the art*</u>", *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364, 70 USPQ2d 1827 (Fed. Cir. 2004) (emphasis added). <u>Applicants may</u>, however, <u>rebut</u> the ordinary and customary meaning of claim terms, e.g., under MPEP 2111.01, and the Examiner should construe the <u>claim preamble</u> as if in the balance of the claim if it "recites limitations" or "is 'necessary to give life, meaning, and vitality' to the claim", *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). MPEP 2111. Emphasis is added.

Not only must *ALL* <u>words in a claim</u> be considered under 35 USC 103. See *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The Examiner must also *<u>show</u>* that the <u>claimed invention</u>, *considered <u>as a whole</u>*, would have been obvious at the time of the invention. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Where, for example, insight of the recited invention is *contrary to* the <u>understandings and expectations</u> of the cited art, the structure effectuating it would *NOT* have been obvious." 713 F.2d at 785, 218 USPQ at 700 (citations omitted). Obviousness also does *<u>not</u>* exist where *ANY* <u>limitation</u> of the recited invention is nonobvious, 535 F.2d at 69, 190 USPQ at 17, and <u>merely showing</u> that the

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limitations of the invention were *individually* known is *NOT* sufficient, *Ex parte Levengood*,

28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Emphasis is added.

        The Examiner must also consider each *reference* as a whole, *including* portions

that would lead away from the claimed invention *W.L. Gore & Associates, Inc. v. Garlock, Inc.*,

721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). It is, for

example, *improper to combine* references where a reference teaches away from the recited

embodiment, *Twin Disc, Inc. v. United States*, 231 USPQ 417, 424 (Cl. Ct. 1986) (quoting *In re

Self*, 671 F.2d 1344, 213 USPQ 1, 7 (CCPA 1982)) or references teach away from their

combination, *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

        A proposed modification also *cannot* render the asserted reference unsatisfactory

for its intended purpose, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) *OR*

change its principle of operation, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), and

impermissible hindsight must be avoided (e.g., see MPEP 2142). Further, requirements of

enablement, suggestion to modify and suggestion that the modification would be successful *must

be met*. See, for example, *In re O'Farrell*, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir.

1988) MPEP 2143, 2143.02.

        A degree of fairness or "duality" is also required. For example, just as the

Applicant must respond to objections/rejections in order to avoid presumed admission, the

Examiner must *ALSO* provide *sufficient* information to the Applicant, and must *respond* to

Applicant arguments, *or risk allowability* of the claims to which Applicant argument remains un-

challenged, *In re Herrmann*, 261 F.2d 598, 120 USPQ 182 (CCPA 1958). See also *In re Soni*, 54

F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995). MPEP 707(f). Further limitations may

also apply in addition to those specifically mentioned herein.

Claim 1

        According to the Examiner, Stewart discloses a "*method… for routing messages

from one or more sending services to one or more recipient services across a message

interchange network… built on an open platform overlaying a public network, wherein at least

some of the one or more sending services and the one or more recipient services are managed by

different organizational entities, and wherein each sending service and recipient service is

accessible according to properties and permissions associated with each of the sending services and recipient services". The Examiner does NOT, however, provide ANY support, analysis or discussion for such assertion, to which Applicants respectfully object. (Specific argument is, for example, prevented by the Examiner's bare assertion without ANY specific Stewart reference to which Applicants may respond.) Applicants respectfully disagree with the Examiner's assertions and submit that the Examiner has clearly failed to establish *prima facie* obviousness <u>over Stewart</u>, and further submit that <u>Stewart</u> does NOT render each and all of the limitations of the claim 1 preamble obvious.

   The Examiner further asserts that Stewart paras 0030, 0060, 0084 disclose "*receiving a message from a sending service… including a header element and at least one of: a body element…, and an attachment…*"; the Examiner then contradicts this assertion by ADMITTING that Stewart fails to disclose "message header" and then merely asserts (e.g., without ANY relevent support <u>in Stewart</u>, without ANY analysis, ANY discussion and so on) that such feature is inherent, to which Applicants respectfully disagree, object and request withdrawal of the rejection for at least this reason as well.

   The Examiner further asserts that Stewart 0081, 0066, 0079, 0080, 0093-0105, 0115-0116 **discloses** "*determining a <u>route path</u>…*" ostensibly **because** *Stewart's c-hub "<u>implements as</u> <u>router</u>*" [sic]. Emphasis is added. Applicants respectfully disagree.

   Applicants respectfully submit that, even assuming arguendo that the Examiner's assertion is entirely correct regarding that which Stewart discloses, not only does Stewart nevertheless NOT disclose and NOT in any way render the asserted claim 1 elements obvious, but the Examiner further knew or *should have known* that Stewart does not render such elements obvious. Applicants therefore respectfully OBJECT to the *clearly erroneous* examination and request the assistance of the Supervisory Examiner.

   More specifically and by way of example only, embodiments of the present invention provide, "*If the sending service wishes to have the message routed through any services before delivery to the recipient service(s),*" for the sending service [and/or other services, e.g., as given below] *to "implicitly include services in the route for a message through the specification of routing scripts associated with the defining service*" [0062]. "(R)*outing scripts may be pre-defined by the sending service 310, recipient service 360, or any in-transit*

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services 350 that have been included within the calculated route" [0066] and "[r]outing scripts can specify a *sequence of services* that operate on... *inbound or outbound* messages for a service" [0068]. Moreover, *[m]essage interchange network 150 also provides a mechanism for a service to act on a message without the message being physically delivered to the service... that is enabled through the <u>logical routing</u> of the message to the service"* [0089]. "(M)*essage interchange network 150 routes the message to the recipient service(s) 360... based on a route calculation... (that) includes all intermediary services 350 that <u>are scheduled</u> to operate on the message en route to recipient service(s) 360"* [0066]. See, for example, various implementation aspects beginning at para. 0069 of the instant Specification.

Contrastingly and assuming arguendo that the Examiner is correct regarding the Stewart disclosure, *Stewart's c-hub* **implements** *as* <u>router</u> [sic]. Thus, as shown by at least Stewart FIGS. 3, 5, 6 and 8, Stewart contrastingly discloses that ALL messages in Stewart MUST ALWAYS pass through a centralized hub that merely initiates transmission (or "implements [a] router") respecting every message. No *route <u>path</u>* is even considered or of any consequence at all in Stewart, which also does NOT even consider processing by an in-transit service that may correspond to one or more of permissive/combined/independent route <u>path</u> implementation aspects. Instead, Stewart's c-hub merely initiates transmission of ALL messages and provides a requisite unitary point of communication, which messages are later received at a recipient. Moreover, Stewart does NOT once reference "route path" or even "path". Thus, even assuming arguendo that the Examiner's assertion is correct as stated above, the Examiner does NOT even assert that Stewart discloses or infers the recited route *path* and Applicants submit that it does NOT. Therefore, *prima facie* obviousness clearly does NOT at all exist –even considered in the light most favorable to the Examiner.

The Examiner further asserts that Stewart Fig. 22 (items 424, 426, 428) and paras. 0274-0276, 0233 and 0140 disclose "<u>route path</u> *including one or more <u>in-transit services</u>;* **delivering** *said message <u>to an in-transit service</u> <u>in said route path</u>; wherein said <u>in-transit service</u> performs an identifiable operation on said message as said message travels from a sending service to a recipient service, <u>the identifiable operation altering the content</u> of the message to ensure that the message has the proper format for the recipient service"*. According to the Examiner, the Stewart references render such recitations obvious because "*e.g. c-bridge, gateway, Proxy... are capable of receiving message*

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transmitted from one c-space, transforming the received message into format of second c-space, and

publish [sic] the transformed message to the second c-space". Applicants respectfully disagree and

OBJECT.

Applicants respectfully submit that the Examiner's assertions have little or no

merit in Stewart but are merely the product of impermissible hindsight (even keeping in mind

any level of hindsight that might assist with examination). Moreover, such assertions require

improper modification of Stewart that may well render Stewart inoperable.

For example, and as was discussed above, Stewart does NOT disclose, infer or

even consider a route path; assuming arguendo that the Examiner is correct at least in part,

Stewart may merely disclose an obligatory central node that includes a router for initiating

transmission without any concern for a route path of a transmitted message.

Second, at least Stewart FIGS. 3, 5, 6 and 8, the Examiner's assertions as to

Stewart's c-hub and essentially the entirety of the Stewart specification indicate that Stewart

requires ALL messages to pass through the fixed, centralized c-hub node and submit to a

manditory, fixed processing provided by the c-hub. Not only are NO in-transit services ever

considered, let alone disclosed or inferred, but Stewart also fails to even consider aspects of in-

transit services, including but not limited to those discussed above (e.g., optional/selective

processing of one or more messages by selected ones of such services, processing by such

services in a particular sequence, and so on). Rather, the Examiner's assertion attempts to

improperly modify Stewart –absent ANY consideration whatsoever of the espoused combination

with Johnson- to read on the instant Application (i.e., through application of *impermissible*

hindsight).

To make matters even worse, modifying Stewart as the Examiner asserts would

require that use of Stewart's c-hub must be optional and avoidable. Thus, since the principle of

operation in Stewart is to provide for transmission between trading partners by way of a

manditory singular transmission node (i.e., c-hub), somehow enabling messages to avoid the c-

hub in Stewart improperly changes Stewart's principle of operation under MPEP 2143.01.

Moreover, since the c-hub provides the ONLY connection in Stewart for transmitting messages

between trading partners and is therefore essential to providing message transmission in Stewart,

the Examiner's assertion would also completely prevent such transmission and partner

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communication, and thereby improperly render Stewart unsatisfactory for its intended purpose under MPEP 3143.01.

The Examiner's assertion would also apparently require replacing c-hub functionality with that of an in-transit service (e.g., according to the Examiner's below further assertions) –again improperly according to impermissible hindsight, and further, at least improperly changing the principle of operation in Stewart, again under MPEP 3143.01. Moreover, since the Examiner's assertion would improperly change Stewart's principle of operation and render Stewart unsatisfactory for its intended purpose, neither of which would be intended by Stewart or permit issuance of a U.S. patent, the assertion MUST require unsupported and improper modification of Stewart and such modification MUST be the product of impermissible hindsight.

Third, the Examiner's assertion has no basis whatsoever in Stewart. Stewart FIG. 22 and paras. 0274-0276, for example, show a c-bridge as a fixed, requisite <u>common node</u> that processes ALL messages between two trading partners in the same requisite FIXED manner according to a subscription for such communication of messages between two trading partners, and not only does NOT disclose or infer, but is further NOT at all concerned with a route path. The Examiner's citation of Stewart 0233, for example, is confusing since it discloses none of the limitations of the rejected claim and instead merely discloses that

> *"The invention provides a comprehensive infrastructure that meets the rigorous technology standards for B2B e-commerce, but keeps the barrier to B2B low… The following section outlines how a company can rapidly create a c-space and transform traditional trading partners into co-collaborators…"*

Applicants respectfully OBJECT and request explanation as to the espoused significance of the cited reference (which, as discussed above, the Examiner was <u>required</u> to but once again did not provide).

Applicants further respectfully OBJECT to the Examiner's citation of Stewart 0140. The entirety of the cited paragraph merely discloses the following:

"*Flexibility to apply message or data content transformation*"

While such disclosure may tend to support that Stewart discloses the quoted message

"transformation" between the specific predetermined formats of the specific trade partner pair,

there is NO disclosure, inference or even consideration whatsoever in Stewart –here or

elsewhere- as to ANY "in-transit service", let alone that "said in-transit service performs an

identifiable operation on said message as said message travels from a sending service to a

recipient service…". Moreover, the asserted disclosure is not enabling and Stewart can NOT be

modified to implement at least the recited "in-transit service…".

      Applicants respectfully remind the Examiner that <u>*ALL* words in a claim</u> be

considered under 35 USC 103. See *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496

(CCPA 1970) and obviousness does <u>*NOT*</u> exist where *ANY* <u>limitation</u> of the recited invention is

nonobvious, 535 F.2d at 69, 190 USPQ at 17 or where "insight of the recited invention is

contrary to the <u>understandings and expectations</u> of the cited art" 713 F.2d at 785, 218 USPQ at

700. Further, <u>merely showing</u> that the limitations of the invention were *individually* known is

NOT sufficient, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Rather,

the Examiner must *show* that the claimed invention, <u>*considered as a whole*</u>, would have been

obvious at the time of the invention. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218

USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir.

1983). Applicants therefore respectfully OBJECT to the Examiner's attempt at piecemeal, out-

of-context examination of isolated claim and reference portions, particularly where obviousness

clearly does NOT exist respecting at least other portions (or further, the cited limitations

themselves), and submit that (1) the Examiner clearly has NOT even asserted, let alone

established *prima facie* obviousness, and (2) Stewart clearly does NOT render the instant claim

obvious. Assistance of the Supervisory Examiner is respectfully requested in view of the

foregoing.

      Continuing on page 8 of the instant Action, the Examiner ADMITS *at least* that

"Stewart does not explicitly disclose" the "*determining being based on an evaluation of two or more*

routing scripts selected from the group consisting of: <u>a routing script defined by</u> a sending service, a

routing script defined by a recipient service, <u>and</u> one or more routing scripts defined by one or more in-

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transit services, such that each service is capable of independently affecting said determining of said

route path during a <u>*logical routing*</u> *of said message represented by said evaluation*".

      The Examiner, however, nevertheless ASSERTS that Johnson Abstract, 1/4, 1/63-67, 2/26-47, 3/45-52 and 5/1-27 "[*disclose] a communication system which allows each system user/caller to access an administration workstation to define routing* <u>*script*</u> *[sic] which includes routing instructions. The routing engine then determines an appropriate destination for call service based upon evaluating the user-generated routing* <u>*scripts*</u>". The Examiner further ASSERTS that the Stewart-Johnson combination "*would have been obvious… at the time the invention* [sic] *in order to provide an efficient message routing control system… e.g…, providing users ability of modifying routing scripts, decreasing time consuming* [sic]…" (see Johnson 2/49-60). Applicants agree that Stewart fails to disclose routing scripts and/or the utilization of multiple routing scripts, but respectfully disagree with the Examiner's assertions. Applicants further respectfully submit that (1) Johnson fails to disclose the asserted claim 1 recitation(s) and (2) that the combination of Stewart-Johnson –as asserted by the Examiner: (a) is improper; and (b) even if the combination was proper, it would nevertheless fail to render the rejected claim obvious under 35 USC 103.

      Applicants first respectfully submit that the Examiner's assertion creates a contradiction upon which the Examiner then mis-interprets Johnson. Johnson provides for "controlling the routing of… a call… <u>to a desired destination</u> (2/21-32)… telephone number, trunk group, and/or DNIS number" (2/34-40). Unlike its predecessors, however (the disadvantages of which Johnson assertedly "overcomes"), Johnson replaces "labels [that] have been expressed in the scripts as specific constant numerical values corresponding to… particular telephone numbers…" and that "makes modification of the labels… difficult" (2/5-11). Instead, "<u>a call routing **script**</u> is generated that includes at least one call routing instruction… that references a variable" <u>and routes the call to the destination</u> "based upon the value of the variable computed by the system at runtime" (2/26-33).

      Thus, as the Examiner first ADMITS, Johnson provides only a single "<u>routing</u> <u>**script**</u>". Johnson does NOT determine an "*appropriate* destination… based upon evaluating *user-generated* <u>routing **scripts**</u>", as according to the Examiner's further contradictory assertion. Moreover, the further assertion also contradicts JOHNSON. The cited Johnson Abstract, for

example, discloses that "*a call routing* script is generated… [that] includes at least one call

routing instruction… that refers to a variable whose value… stored externally to the script" the

value of which … is determined …when the system executes the script for use in *determining a*

destination of the call". The cited Johnson 1/4, 1/63-67 and 3/45-52 references further provides

NO guidance whatsoever, since Johnson 1/4 discloses a blank line and Johnson 1/63-67, 3/45-52

and 5/1-27 each refer to a multiplicity of "calls" [that] may be routed in accordance with with

call routing *control* scripts" (i.e., each according to its *singular* call routing control script of the

Johnson operational description). The cited Johnson 2/26-47 reference further affirms –as the

Examiner admitted- that Johnson discloses the use of only ONE call routing script ("a call

routing script" at 2/26 and "the script" at 2/30).

       Therefore, not only does Stewart fail to render obvious at least "routing script" or

"routing scripts", but Johnson and thus the combination of Stewart and Johnson also clearly fails

to render obvious at least the recited "determining being based on an evaluation of two or more

routing scripts…" as well.

       Additionally, the Examiner ADMITS (in addition to the instant admission

regarding Stewart) that Johnson also fails entirely to disclose "*routing scripts selected from the*

group consisting of: a routing script defined by a sending service, a routing script defined by a

recipient service, and one or more routing scripts defined by one or more in-transit services,

such that each service is capable of independently affecting said determining of said route path

during a logical routing of said message represented by said evaluation". The Examiner does

NOT, for example, assert that ANY such services or routing scripts defined by any such services

are rendered obvious by Johnson; moreover NO such services or routing scripts defined by such

services are even considered (let alone rendered obvious) in Johnson.

       Nevertheless, the Examiner follows such admissions by an apparently

contradictory, unsupported and confusing Examiner assertion that "*The routing engine then*

determines an appropriate destination for call service". First, the assertion makes no sense,

since Johnson provides NO consideration whatsoever of transmitting or otherwise transferring a

"call service" to ANY "destination", let alone an "appropriate destination". Moreover, the term

"call service" NEVER appears in Johnson. Secondly, Johnson provides a call distribution

system wherein, for example, "a caller dials a long distance number" (4/2-3); and the system

"[routes] the call to a destination" (4/5-15). The receiving destination may simply be one of various "workgroups or caller services" (4/8-10) i.e., in which a typically <u>human operator</u> may assist the caller, e.g., depending upon which human agents may be available. See, for example, Johnson 1/13-22 ("Conventional automatic call distribution (ACD) systems route calls to agents in telemarketing and service inquiry centers"), 4/8-9 ("to one of the agent systems' workgroups or caller services"), as well as 3/28-65, and so on. The Examiner makes no further assertion regarding the remaining claim 1 limitations (and thus admits that Stewart, Johnson and the combination thereof also fails to render obvious at least such remaining limitations). Therefore, the Examiner's assertion is irrelevant to establishing *prima facie* obviousness respecting the above claim 1 portion or claim 1 overall. Johnson, as with Stewart and thus also the combination of Stewart and Johnson, simply does NOT even consider, let alone render obvious at least "*routing scripts selected from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services, such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation*" for at least the foregoing reasons.

Applicants further respectfully submit that – even assuming arguendo that Johnson might disclose the above limitations, with which Applicants respectfully disagree – the Stewart clearly can NOT be combined with Johnson OR ANY OTHER REFERENCE in order to render such portion obvious for at least similar reasons (as those given above) that Stewart may not be modified according to impermissible hindsight. Specifically, at least Stewart FIGS. 3, 5, 6 and 8, the Examiner's assertions as to Stewart's c-hub and essentially the entirety of the Stewart specification indicate that Stewart requires ALL messages to pass through the fixed, centralized c-hub node and submit to a mandatory, fixed processing provided by the c-hub. Not only are NO in-transit services ever considered, let alone disclosed or inferred, but Stewart also fails to even consider the possibility of avoiding, sequencing or otherwise modifying the use or operation of Stewart's c-hub node using one or more routing scripts or ANY OTHER mechanisms. The same clearly holds true for a sending service, a recipient service or "*routing scripts selected from the group consisting of: a routing script defined by a sending service, a routing script defined by a recipient service, and one or more routing scripts defined by one or more in-transit services,*

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such that each service is capable of independently affecting said determining of said route path during a logical routing of said message represented by said evaluation".

To make matters even worse, modifying Stewart as the Examiner may assert (by the inclusion of the above-noted contradictory language) would require that the use of Stewart's c-hub must be optional and avoidable. Thus, since the principle of operation in Stewart is to provide for transmission between trading partners by way of a mandatory singular transmission node (i.e., c-hub), somehow enabling messages to avoid the c-hub in Stewart improperly changes Stewart's principle of operation under MPEP 2143.01. Moreover, since the c-hub provides the ONLY connection in Stewart for transmitting messages between trading partners and is therefore essential to providing message transmission in Stewart, the Examiner's assertion would also prevent such transmission and thereby improperly render Stewart unsatisfactory for its intended purpose under MPEP 3143.01. Thus, while the Examiner asserts that Stewart may be combined with Johnson as above ("*to combine Johnson's ideas of determining an appropriate destination for a call service based upon evaluating user-generated routing scripts into Stewart's system in order to provide an efficient message routing control system (e.g. increasing flexibilities by providing users ability of modifying routing scripts; decreasing time consuming*", this simply makes no sense whatsoever. Stewart not only does not suggest such combination, but further CAN NOT be combined in the manner asserted.

Applicants therefore respectfully submit that the Examiner has failed to establish prima facie obviousness and that Stewart-Johnson clearly does NOT render claim 1 obvious for at least the foregoing reasons. Withdrawal of the rejection of claim 1 and further withdrawal of Stewart and Johnson from further consideration is also respectfully requested for at least the foregoing reasons.

Claims 3-9, 17-25, 27-29 and 31

Beginning on page 9 of the instant Action, the Examiner further rejects claims 3, 4-7, 8, 9 and 29 (pg 11) asserting that "Stewart-Johnson discloses a method as discuss in claim 1", and that Stewart "further discloses" additional limitations of the respective claims. The Examiner also rejects claims 17, 18-20, 21-22 and 23-25 asserting that "Stewart-Johnson discloses a method as discuss in claim 1" and that Johnson "further discloses" additional limitations of said claims. (The Examiner does

not, however, assert and thereby ADMITS that Johnson does not render obvious other deficiencies in

Stewart or Johnson.) Applicants respectfully traverse.

        Applicants respectfully submit that claims 3, 4-9, 11-13 and 17-25, 27-29 and 31,

while independently patentable and separately arguable, are dependent claims depending from

claim 1. Applicants will not, however, now separately argue said claims - in order to expedite

prosecution of the instant Application. Applicants therefore submit that claims 3, 4-9, 11-13 and

17-25, 27-29 and 31 are patentable over Stewart-Johnson for at least the same reasons that claim

1 is patentable over Stewart-Johnson, and withdrawal of the rejection of claims 3, 4-9, 11-13 and

17-25, 27-29 and 31 is respectfully requested for at least the same reasons as with claim 1.

Claims 32-34, 37-47 and 49-50

        Beginning on page 11 of the instant Action, the Examiner further rejects claims

32-34, 37-47 and 49-50. The Examiner first asserts, regarding claim 32, that nearly the same

Stewart references that assertedly render obvious the limitations of claim 1 also render obvious

the limitations of claim 32. The Examiner also again ADMITS that assertedly the same or

similar limitations that Stewart does NOT render obvious respecting claim 1 are also NOT

rendered obvious respecting claim 32, but asserts that the same Johnson references as with claim

1 also render obvious such limitations in claim 32. (The Examiner does NOT, however, assert

that any other deficiencies in Stewart are resolved by Johnson.) Applicants respectfully disagree

with the Examiner's assertions.

        Applicants respectfully submit that claim 32, while independently patentable and

separately arguable respecting claim 1, and including different limitations than claim 1, stands

rejected, at least in part, for substantially the same reasons as with claim 1. Applicants therefore

respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting

claim 32 for at least the same reasons as with claim 1. Applicants further submit that claim 32 is

patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim

1. Withdrawal of the rejection of claim 32 is therefore respectfully requested.

        Applicants further respectfully submit that claims 33-34, 37-47 and 49-50, while

independently patentable and separately arguable, are dependent claims depending from claim

32. Applicants will not, however, now separately argue said claims - in order to expedite

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prosecution of the instant Application. Applicants therefore submit that claims 33-34, 37-47 and 49-50 are patentable over Stewart-Johnson for at least the same reasons that claim 1 is patentable over Stewart-Johnson and withdrawal of the rejection of claims 33-34, 37-47 and 49-50 is respectfully requested for at least the same reasons as claim 32.

Claim 51

Beginning on page 15 of the instant Action, the Examiner further rejects claim 51. The Examiner first asserts, regarding claim 51, that nearly the same Stewart references that assertedly render obvious the limitations of claim 1 also render obvious the limitations of claim 51. The Examiner also ADMITS that assertedly the same or similar limitations that Stewart does NOT render obvious respecting claim 1 are also NOT rendered obvious respecting claim 51, but asserts that the same Johnson references as with claim 1 also render obvious such limitations in claim 51. (The Examiner does NOT, however, assert that any other deficiencies in Stewart are resolved by Johnson.) Applicants respectfully disagree with the Examiner's assertions.

Applicants respectfully submit that claim 51, while independently patentable and separately arguable respecting claim 1, and including different limitations than claim 1, stands rejected, at least in part, for substantially the same reasons as with claim 1. Applicants therefore respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting claim 51 for at least the same reasons as with claim 1. Applicants further submit that claim 51 is patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim 1. Withdrawal of the rejection of claim 51 is therefore respectfully requested.

Claims 52, 53-55 and 60-62

Beginning on page 17 of the instant Action, the Examiner further rejects claim 52. The Examiner first asserts, regarding claim 52, that similar Stewart references that assertedly render obvious the limitations of claim 1 also render obvious the same or similar limitations of claim 52. For example, the Examiner apparently similarly rejects –in an improperly extricated manner with which Applicants respectfully object (i.e., wherein the Examiner fails to consider a claim and even limitation as a whole)– "*a message routing network, said message routing network being built on an open platform overlaying a public network, said service being*

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operative to provide a data operation according to prosperities and permissions associated with said services" over Stewart "abstract, lines 7-14; [0030]; [0060]; [0084]" with which Applicants respectfully disagree. (The Examiner further cites Stewart [0024], which also *clearly* fails to render obvious all of such limitations. The rejection is also again improperly confusing as it is unclear which references assertedly render obvious particular limitations.) The Examiner further asserts that "c-space" in Stewart "*reads on 'in-transit service' as claimed*". As argued respecting claim 1, however, –and with all due respect- such assertion is not only incorrect but further absured for at least the reasons set forth above respecting claim 1 (e.g., under *various* provisions of MPEP 2143.01 that are also applicable to the following) and Applicants respectfully disagree for at least the reasons set forth respecting claim 1.

The Examiner also ADMITS that assertedly similar limitations that Stewart does NOT render obvious respecting claim 1 are also NOT rendered obvious respecting similar claim 52 recitation, but asserts that the same Johnson references as with claim 1 also render obvious such limitations in claim 52. Such assertion again makes NO sense for at least the reasons set forth in claim 1. For example, such proposed modification would change the principle of operation in Stewart, such modification would render Stewart unsatisfactory for its intended purpose, and so on. (The Examiner does NOT assert that any other deficiencies in Stewart are resolved by Johnson.)

Applicants respectfully submit that claim 52, while independently patentable and separately arguable respecting claim 1, and including different limitations than claim 1, stands rejected, at least in part, for substantially the same reasons as with claim 1. Applicants therefore respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting claim 52 for at least the same reasons as with claim 1. Applicants further submit that claim 52 is patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim 1.

Applicants further respectfully submit that even assuming arguendo that the Examiner's assertions were otherwise correct, the Examiner would nevertheless fail to establish *prima facie* obviousness. For example, the Examiner asserts that the claim 52 recitation "receiving a *registration request* from a <u>service</u> for inclusion in a message routing network…" is rendered obvious because in Stewart (see abstract, lines 7-14; figure 20; [0025]; [0027]; [0030])

"the <u>business participants</u>" (i.e., that are sending or receiving messages through a centralized communication node that unitarily connects such participants) "are requested to make registration". With all due respect, such assertion makes no sense. Business participants are NOT services. Moreover, assuming arguendo that business partners are registered, the lack of registration for even generic processing to all such participants would instead support that the recited "receiving…" is clearly NOT obvious. Further, both the cited references and the remainder of Stewart *clearly* fail to even consider a service as claimed, let alone render obvious such services, or further, the recited "receiving a registration request", but instead merely use the term "service" to refer to improving *service to customers* or "quality of service" [0010], [0063], [0120], [0127], [0137], persons providing a "product or… service" [0015], [0056-0057], "competition is about service speed and quality" [0023], [0025], that Stewart's "messaging service" system enables communicating partners to communicate via an entirely predetermined centralized node configuration or "c-hub" [0027], [0030], and so on.

          The failure of the Examiner's assertion is even more evident in conjunction with other portions of claim 52 when claim 52 is more properly considered <u>as a whole</u> (e.g., where "said service" is included "in a directory of services" said directory "enabling users of said message routing network to define at least a portion of a desired data processing on a message"). See also claim 52, subpart (c). (Consider, for example, that the Examiner's own assertion, "c-space" reads on 'in-transit service'… respecting claim 32, while proven herein to be clearly incorrect, is also incompatible with the Examiner's present assertion.) It should also be noted that none of the cited references (i.e., Stewart paras. 0006, 0080 and 0081) and none of the remainder of Stewart even considers, let alone discloses a "directory of services", among other deficiencies – one reason being that Stewart is clearly completely unconcerned with such aspects of the present invention, and Applicants respectfully OBJECT to the instant Examination and present rejection on this basis as well. Withdrawal of the rejection of claim 52 is therefore respectfully requested for at least the foregoing reasons.

          Applicants further respectfully submit that claims 53-55 and 60-62, while independently patentable and separately arguable, are dependent claims depending from claim 52. Applicants will not, however, now separately argue said claims - in order to expedite prosecution of the instant Application. Applicants therefore submit that claims 53-55 and 60-62

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are patentable over Stewart-Johnson for at least the same reasons that claim 52 is patentable over Stewart-Johnson and withdrawal of the rejection of claims 53-55 and 60-62 is respectfully requested for at least the same reasons as with claim 52.

Applicants further respectfully OBJECT to the rejection of dependent claims according to assertions regarding limitations of claims that have not yet been considered by the Examiner. See, for example, the instant Action at pages 19 and 20, which refer to the subsequent rejection of claim 63 on page 21

Claim 63

Beginning on page 21 of the instant Action, the Examiner further rejects claim 63. The Examiner first asserts, regarding claim 63, that similar Stewart references that assertedly render obvious the limitations of claim 52 also render obvious the limitations of claim 63. Applicants respectfully disagree with the Examiner's assertions.

Applicants respectfully submit that claim 63, while independently patentable and separately arguable respecting claim 52, and including different limitations than claim 52, stands rejected, at least in part, for substantially the same reasons as with claim 52. Applicants therefore respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting claim 63 for at least the same reasons as with claim 52. Applicants further submit that claim 63 is patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim 52.

Claims 64-69 and 74-79

Beginning on page 22 of the instant Action, the Examiner further rejects claims 64-69 and 74-79. The Examiner first asserts, regarding claim 64, that nearly the same Stewart references that assertedly render obvious the limitations of claim 1 also render obvious the limitations of claim 32. The Examiner also ADMITS that assertedly the same or similar limitations that Stewart does NOT render obvious respecting claim 32 are also NOT rendered obvious respecting claim 64, but asserts that the same Johnson references as with claim 32 also render obvious such limitations in claim 64. (The Examiner does NOT, however, assert that any

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other deficiencies in Stewart are resolved by Johnson.) Applicants respectfully disagree with the Examiner's assertions.

    Applicants respectfully submit that claim 64, while independently patentable and separately arguable respecting claim 32, and including different limitations than claim 32, stands rejected, at least in part, for substantially the same reasons as with claim 32. Applicants therefore respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting claim 64 for at least the same reasons as with claim 32. Applicants further submit that claim 64 is patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim 32. Withdrawal of the rejection of claim 64 is therefore respectfully requested.

    Applicants further respectfully submit that claims 65-69 and 74-79, while independently patentable and separately arguable, are dependent claims depending from claim 64. Applicants will not, however, now separately argue said claims - in order to expedite prosecution of the instant Application. Applicants therefore submit that claims 65-69 and 74-79 are patentable over Stewart-Johnson for at least the same reasons that claim 64 is patentable over Stewart-Johnson and withdrawal of the rejection of claims 65-69 and 74-79 is respectfully requested for at least the same reasons as claim 64.

Claims 84-85

    Beginning on page 24 of the instant Action, the Examiner further rejects claims 84 and 85. The Examiner first asserts, regarding claim 84, that nearly the same Stewart references that assertedly render obvious the limitations of claim 1 also render obvious the limitations of claim 84. The Examiner also ADMITS that assertedly similar limitations that Stewart does NOT render obvious respecting claim 2 are also NOT rendered obvious respecting claim 84, but asserts that the same Johnson references as with claim 1 also render obvious such limitations in claim 84. (The Examiner does NOT, however, assert that any other deficiencies in Stewart are resolved by Johnson.) Applicants respectfully disagree with the Examiner's assertions.

    Applicants respectfully submit that claim 84, while independently patentable and separately arguable respecting claim 1, and including different limitations than claim 1, stands rejected, at least in part, for substantially the same reasons as with claim 1. Applicants therefore

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respectfully submit that the Examiner has failed to establish *prima facie* obviousness respecting claim 84 for at least the same reasons as with claim 1. Applicants further submit that claim 84 is patentable over Stewart-Johnson for at least the same reasons as set forth above respecting claim 1. Withdrawal of the rejection of claim 84 is therefore respectfully requested.

Applicants further respectfully submit that claim 85, while independently patentable and separately arguable, is a dependent claim depending from claim 84. Applicants will not, however, now separately argue said claim - in order to expedite prosecution of the instant Application. Applicants therefore submit that claim 85 is patentable over Stewart-Johnson for at least the same reasons that claim 84 is patentable over Stewart-Johnson and withdrawal of the rejection of claim 85 is respectfully requested for at least the same reasons as claim 84.

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Rejection of claims 10, 35-36, 56, 58-59, 70 and 72-73

under 35 USC §103(a) over Stewart-Johnson ivo Owens

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On page 27 of the instant Action, the Examiner rejects claims 10, 35-36, 56, 58-59, 70 and 72-73 under 35 USC §103(a) as being un-patentable over Stewart-Johnson [id] in view of U.S. 6,633,630 to Owens et al. (hereinafter "Owens"). Applicants respectfully traverse.

The Examiner asserts that claim 10 is substantially disclosed by Stewart-Johnson as with claim 1 and ADMITS that Stewart-Johnson does NOT "explicitly teach receiving includes receiving said message from a party that sends said message on behalf of a sender", but asserts the Owens (Abstract). The Examiner further asserts that claims 35-36, 58 and 82 are rejected "under rationales of claim 10". The Examiner also asserts, regarding claims 59 and 73, that Stewart-Johnson discloses the invention substantially as disclosed in claims 52 and 64 and ADMITS that Owens-Johnson "does not explicitly teach selecting directory of service by recipient service", but asserts the Owens (Abstract). The Examiner further asserts, regarding claims 56 and 70, that "Stewart-Johnson discloses the invention substantially as disclosed in claims 52 and 64" and ADMITS that Owens-Johnson "does not explicitly teach filtering service", but asserts the Owens (Abstract). Finally, the Examiner asserts that it would have been obvious... to combine Owens's [sic] IDEAS of filtering messages accordance with preferences of sender and recipients into Stewart-Johnson's system in order to provide flexibilities and convenient for communication system users, see (Owens: column 2, lines 9-19)". The Examiner does NOT, however,

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assert that Owens resolves any other of the deficiencies of Stewart-Johnson, for example, including but not limited to those already discussed above.

Applicants respectfully submit that claims 10, 35-36, 56, 58-59, 70 and 72-73, while independently patentable and separately arguable, are dependent claims depending from respective ones of claims 1, 32, 52 and 64. Applicants will not, however, now separately argue said claims - in order to expedite prosecution of the instant Application. Applicants therefore submit that claims 10, 35-36, 56, 58-59, 70 and 72-73 are patentable over Stewart-Johnson in view of Owens for at least the same reasons that claim 1 is patentable over Stewart-Johnson, and withdrawal of the rejection of claims 10, 35-36, 56, 58-59, 70 and 72-73 is respectfully requested for at least the same reasons as with the respective ones of claims 1, 32, 52 and 64.

Rejection of claims 26 and 48
under 35 USC §103(a) over Stewart-Johnson ivo Ghoneimy

On page 28 of the instant Action, the Examiner rejects claims 26 and 48 under 35 USC §103(a) as being un-patentable over Stewart-Johnson [id] in view of U.S. 2004/0078373 to Ghoneimy et al. (hereinafter "Ghoneimy"). Applicants respectfully traverse.

Regarding claims 28, the Examiner asserts that "Stewart-Johnson discloses the invention substantially as disclosed in claim 25" and ADMITS that Stewart-Johnson "does not explicitly teach conditions are combined using one or more of an AND, OR, XOR, and NOT operator", but asserts that Ghoneimy 0091 discloses conditions are using is one or more of AND, OR, XOR, and NOT operators. The Examiner further asserts that it would have been obvious… to combine Ghoneimy's ideas of using one or more of AND, OR, XOR, and NOT operators into Stewart-Johnson's system in order to save development time and resources by employ well-know technique (e.g. conditions of and, or, xor ....etc) into Owens-Johnson's system. Regarding claim 48, the Examiner asserts that "Stewart-Johnson discloses the invention substantially as disclosed in claim 47" and ADMITS that Stewart-Johnson does not explicitly teach conditions are combined using one or more of an AND, OR, XOR, and NOT operator, but again asserts Ghoneimy and substantially the same basis for modifying Stewart-Johnson according to Ghoneimy as with claim 28. The Examiner does NOT, however, assert that Ghoneimy resolves any other of the deficiencies of Stewart-Johnson, for example, including but not limited to those already discussed above.

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Applicants respectfully submit that claims 28 and 48, while independently patentable and separately arguable, are dependent claims depending from respective ones of claims 1 and 32. Applicants will not, however, now separately argue said claims - in order to expedite prosecution of the instant Application. Applicants therefore submit that claims 28 and 48 are patentable over Stewart-Johnson in view of Ghoneimy for at least the same reasons that claim 1 and claim 32 respectively are patentable over Stewart-Johnson, and withdrawal of the rejection of claims 28 and 48 is respectfully requested for at least the same reasons as with the respective ones of claims 1 and 32.

Rejection of claim 30
under 35 USC §103(a) over Stewart-Johnson ivo Koperda

On page 30 of the instant Action, the Examiner rejects claim 30 under 35 USC §103(a) as being un-patentable over Stewart-Johnson [id] in view of U.S. 6,230,203 to Koperda et al. (hereinafter "Koperda"). Applicants respectfully traverse.

Regarding claim 30, the Examiner asserts that "Stewart-Johnson discloses the invention substantially as disclosed in claim1" and ADMITS that Stewart-Johnson "does not explicitly comprising logging usage status and billing information after processing said message", but asserts that the Koperda Abstract discloses method of billing customer based on usages status [sic]. The Examiner further asserts that it would have been obvious… to combine Koperda's *IDEAS* of billing customer based on usages into Stewart-Johnson's system in order to increase benefits for both services providers and services consumers. The Examiner does NOT, however, assert that Kopeda resolves any other of the deficiencies of Stewart-Johnson, for example, including but not limited to those already discussed above.

Applicants respectfully submit that claim 30, while independently patentable and separately arguable, is a dependent claim depending from claim 1. Applicants will not, however, now separately argue said claim - in order to expedite prosecution of the instant Application. Applicants therefore submit that claim 30 is patentable over Stewart-Johnson in view of Koperda for at least the same reasons that claim 1 is patentable over Stewart-Johnson, and withdrawal of the rejection of claims 30 is respectfully requested for at least the same reasons as with claim 1.

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Rejection of claims 57 and 71

under 35 USC §103(a) over Stewart-Johnson ivo Heuring

Further on page 30 of the instant Action, the Examiner rejects claims 57 and 71 under 35 USC §103(a) as being un-patentable over Stewart-Johnson [id] in view of U.S. 6,965,878 to Heuring (hereinafter "Heuring"). Applicants respectfully traverse.

Regarding claims 57 and 71, the Examiner asserts that "Stewart-Johnson discloses the invention substantially as disclosed in claims 52 and 64" and ADMITS that Stewart-Johnson "does not explicitly teach a credit scoring service", but asserts that the Heuring Abstract discloses a credit scoring system for business-to-business transaction. The Examiner further asserts that it would have been obvious… to combine Heuring's *IDEAS* of credit scoring with Stewart-Johnson's system in order to provide an efficient business communication network. The Examiner does NOT, however, assert that Heuring resolves any other of the deficiencies of Stewart-Johnson, for example, including but not limited to those already discussed above.

Applicants respectfully submit that claims 57 and 71, while independently patentable and separately arguable, are dependent claims depending from claims 52 and 64 respectively. Applicants will not, however, now separately argue said claims - in order to expedite prosecution of the instant Application. Applicants therefore submit that claims 57 and 71 are patentable over Stewart-Johnson in view of Heuring for at least the same reasons that claims 52 and 64 are patentable over Stewart-Johnson, and withdrawal of the rejection of claimss 57 and 71 is respectfully requested for at least the same reasons as with claims 52 and 64.

CONCLUSION

Applicants believe that all issues raised in the Office Action have been addressed, all objections/rejections should be withdrawn and the pending claims are in a condition for allowance for at least the above reasons. Therefore, entry of the amendments and issuance of a formal Notice of Allowance are believed next in order, which actions are respectfully solicited. Applicants further respectfully request the assistance of the Supervisory Examiner and a proper response respecting each of the objections raised by Applicants, whether or not a particular Applicant objection might indicate such request.
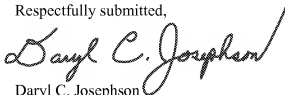
The Examiner is encouraged to contact the undersigned at the telephone number below if the Examiner has any remaining questions or concerns regarding the prosecution of this application.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested. Townsend and Townsend and Crew, LLP is assisting the undersigned with filing this amendment and paying the extensions fees for mutual client salesforce.com, assignee of the present application.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-631-4232.

Respectfully submitted,

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Reg. No. 37,365

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